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2 **So Ordered.**



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4
5 *Patricia C. Williams*
6 Patricia C. Williams
Bankruptcy Judge

7 **Dated: October 25th, 2013**

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9
10 UNITED STATES BANKRUPTCY COURT
11 EASTERN DISTRICT OF WASHINGTON

12 In re:

DC No. 11-CV-361-RMP

13 LLS AMERICA, LLC,

Case No. 09-06194-PCW11

14 Debtor(s).

15 BRUCE P. KRIEGMAN, solely in his
16 capacity as court-appointed Chapter 11
17 Trustee for LLS America, LLC,

Adversary No. 11-80302-PCW11

18 Plaintiff(s),

19 vs.

REPORT AND RECOMMENDATION
RE: PLAINTIFF'S MOTION FOR
ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANTS
ANTHONY ALFARONE AND
LANGSTON ALFARONE (ECF NO.
317)

20 ANTHONY ALFARONE, et al.,

Defendant(s).

21
22 The Honorable Patricia C. Williams, sitting in the United States Bankruptcy
23 Court for the Eastern District of Washington, hereby files this Report and
24 Recommendation regarding plaintiff's Motion for Entry of Default Judgment Against
25 Defendants Anthony and Langston Alfarone (ECF No. 317) filed with the bankruptcy
26 court in this adversary proceeding.

1 This Report and Recommendation is made pursuant to the Honorable Rosanna
2 Malouf Peterson's Order Withdrawing the Reference and Referring to Bankruptcy
3 Court for Further Proceedings entered on April 25, 2012 (ECF No. 29) in district court
4 case No. 11-CV-361-RMP.

5 The recommendation is that plaintiff's Motion for Entry of Default Judgment
6 Against Defendants Anthony and Langston Alfarone (ECF No. 317) be granted and
7 the attached Default Judgment be entered in this adversary proceeding. The basis for
8 this recommendation is that an Order of Default was entered by the bankruptcy court
9 on September 19, 2013 (ECF No. 283).

10 ///END OF REPORT AND RECOMMENDATION///

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

In Re:	US District Case No. 11-CV-00361
LLS AMERICA, LLC,	Bankruptcy No. 09-06194-PCW11
Debtor.	
BRUCE P. KRIEGMAN, Liquidating Trustee for LLS America LLC,	Adversary No. 11-80302-PCW 11
Plaintiff,	DEFAULT JUDGMENT AGAINST DEFENDANTS ANTHONY ALFARONE AND LANGSTON ALFARONE
v.	
ANTHONY ALFARONE, et al.,	
Defendants.	

JUDGMENT SUMMARY

1. Judgment Creditor:	Plaintiff Bruce P. Kriegman
2. Attorney(s) for Judgment Creditors:	Witherspoon Kelley
3. Judgment Debtors:	Anthony Alfarone and Langston Alfarone
4. Attorney for Judgment Debtor(s):	None
5. Amount of Judgment:	\$32,261.00

DEFAULT JUDGMENT- 1

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6. Amount of Interest Owed to Date
of Judgment: \$0.00

7. Interest Rate: 0.11% per annum

JUDGMENT

The Bankruptcy Court having previously entered an Order of Default against Defendants Anthony Alfarone and Langston Alfarone (Adv. Doc. No. 283), and having reviewed the previously filed Memorandum of Authorities (Adv. Doc. No. 238), and the Affidavits of Curtis Frye and Shelley N. Ripley in Support of Plaintiff's Motion for Default Judgment filed herewith, and being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC, shall have a judgment against the Defendants Anthony Alfarone and Langston Alfarone, as follows:

1. Monetary Judgment in the amount of \$32,011.00 USD, pursuant to 11 U.S.C. § 550 and RCW 19.40.071;

2. Transfers in the amount of \$32,011.00 USD made to the Defendants within four years prior to the Petition Filing Date are hereby avoided and Plaintiff may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

3. All said transfers to Defendants Anthony Alfarone and Langston Alfarone are hereby set aside and Plaintiff shall be entitled to recover the same, or the value thereof, from Defendants Anthony Alfarone and Langston Alfarone for

DEFAULT JUDGMENT- 2

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1 the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§ 544, 550 and
2 551;

3 4. All proofs of claim of the Defendants which have been filed or
4 brought or which may hereafter be filed or brought by, on behalf of, or for the
5 benefit of Defendants Anthony Alfarone and Langston Alfarone or their affiliated
6 entities, against the Debtor's estate, in this bankruptcy or related bankruptcy
7 proceedings, are hereby disallowed and subordinated to the monetary judgment
8 granted herein and Defendants Anthony Alfarone and Langston Alfarone shall not
9 be entitled to collect on its proof of claim (Claim No. 384-1) until the monetary
10 judgment is satisfied by Defendants Anthony Alfarone and Langston Alfarone in
11 full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1) and 105(a);

14 5. A constructive trust is hereby established over the proceeds of all
15 transfers in favor of the Trustee for the benefit of the estate of LLS America; and

17 6. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of
18 \$250.00 USD, for a total judgment of \$32,261.00 USD, which shall bear interest
19 equal to the weekly average of one-year constant maturity (nominal) treasury
20 yield as published by the Federal Reserve System.

21 Entered this ____ day of _____, 2013.

23
24 HONORABLE ROSANNA MALOUF PETERSON

25 *Presented by:*
WITHERSPOON • KELLEY

26 s/ Shelley N. Ripley
27 Shelley N. Ripley, WSBA No. 28901
28 Attorneys for Plaintiff

DEFAULT JUDGMENT- 3

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